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MEMBER, NEW JERSEY AND PENNSYLVANIA BARS

FAX COVER SHEET

Page 1 of 3 (including this fax cover sheet)

To: John G. DeSimone, Esq. Fax # 856-848-8939
From: G. Philip Lewis
Date: April 2, 2003
Re: DAG Request for Extension to file Already out of time

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April 2, 2003

John G. DeSimone, Esq.
DeSimone Law Offices
66 Euclid Street, Suite B
PO Box 237
Woodbury, NJ 08086-7057

Re: DAG's Request for Extension of Time to File

Dear John,

Unless something has changed of which I am unaware, what the hell does Debra A. Allen think she is doing? On March 20, she is writing to James M. Flynn requesting an "extension of the filing date for Appellant's brief **from March 24, 2003 to April 24, 2003.**" [emphasis added]

According to the Scheduling Order handed down by the Honorable Sylvia B. Pressler and filed on December 18, 2002, (copy attached) she was **ALREADY THREE WEEKS OUT OF TIME.** See the attached copy of the order. It shows us having to file the Brief and Appendix no later than January 31, 2003, with the Brief and Appendix of each **respondent no later than March 3, 2003.**

It also orders that if any respondent fails to file a brief within the time directed by the order, such respondent will be subject to preclusion from further participation in the appeal. Where the hell did DAG Allen come up with March 24th?

I am working on the response to Mulligan.

Sincerely,

A handwritten signature in black ink, appearing to be 'G. Philip Lewis', written in a cursive style.

G. Philip Lewis, Esq.

GPL;alr

A-1093-02T2

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A -001093-02T2

FILED
APPELLATE DIVISION

DEC 18 2002

Jim Flynn
CLERK

G PHILIP LEWIS
VS
PERS

SCHEDULING ORDER

An appeal having been filed in the above matter,

IT IS HEREBY ORDERED that the time for filing and serving briefs and appendices shall not be later than as follows:

- (a) Brief and appendix of appellant: 01/31/03
- (b) Brief and appendix, if any, of each respondent: 03/03/03
- (c) Reply, if any, of appellant: 03/13/03

IT IS FURTHER ORDERED that if appellant has not already filed three additional copies of the transcript with the Clerk and served one copy on any one respondent for the use of all the respondents, same are to be filed and served within ten days hereof; and

IT IS FURTHER ORDERED that five copies of each brief and appendix shall be filed with the Clerk and within ten days thereof, a proof of service shall be filed with the Clerk indicating that two copies were served on each party to the appeal and one copy of the transcript was served on any one respondent; and

IT IS FURTHER ORDERED that in the event of default by appellant regarding any provision of this order, THE APPEAL WILL BE SUBJECT TO DISMISSAL WITHOUT FURTHER NOTICE; and

IT IS FURTHER ORDERED that if any respondent fails to file a brief within the time directed by this order, such respondent will be subject to preclusion from further participation in the appeal.

WITNESS, the Honorable Sylvia B. Pressler, Presiding Judge for Administration, at Trenton, this 18 day of December, 2002.

I hereby certify that the foregoing is a true copy of the original on file in my office.

Jim Flynn
CLERK OF THE APPELLATE DIVISION

Jim Flynn
JAMES M. FLYNN
CLERK OF THE APPELLATE DIVISION